

## IN THE STATE COURT OF GWINNETT COUNTY

## STATE OF GEORGIA

JASHEA HARRIS and EUGENE CARDOZA, )  
 as next friends of EVANIE CARDOZA, a minor )  
 child, )

Plaintiffs, )

vs. )

NACHO DADDY, LLC, ABC COMPANY, )  
 and JOHN DOES (1-5), )

Defendants. )

CIVIL FILE ACTION NO.  
 23-C-03222-S5

**PLAINTIFFS' FIRST CONTINUING INTERROGATORIES TO**  
**DEFENDANT NACHO DADDY, LLC**

Pursuant to O.C.G.A. §§ 9-11-26 and 9-11-33, Plaintiffs hereby request that the Defendant respond separately in writing and under oath, to the following interrogatories within the time allowed by law to respond to these interrogatories, with a copy of the responses being served upon the undersigned counsel of record for the Plaintiffs at Lamonte E. Scott, P.C., 2351 Henry Clower Boulevard, Suite E, Snellville, Georgia 30078.

**DEFINITIONS AND INSTRUCTIONS**

These interrogatories shall be deemed continuing to the extent permitted by O.C.G.A. § 9-11-26(e), so as to require Defendant to serve upon Plaintiffs supplemental answers if Defendant or its attorneys obtain further information between the time the answers are served and the time of trial.

When used in these interrogatories, the term "Defendant", or any synonym thereof, is intended to and shall embrace servants, representatives, private investigators, and others who are

in a position of or may have obtained information for or on behalf of Defendant. As used in these interrogatories, the following words and phrases have the meanings set forth below.

1. “You” and “your” means and refers to the Defendant to whom these interrogatories are directed, and includes your agents, employees, insurance company and their agents and employees, your attorneys, investigators and anyone else acting on your or their behalf.

2. “Document”, means and includes all correspondence, writings, records, memoranda, drawings, graphs, charts, photographs, motion pictures, videotapes, videodisks, audiotapes or other sound recordings, books, ledgers, financial records, checks, drafts, receipts, forms prescribed by government agencies, computer tapes, computer disks, computer printouts, photocopies, microfilm, microfiche, and any other data, sound, or image compilation or recording from which information regarding the described transactions can be obtained, translated if necessary by respondent through appropriate and necessary devices into reasonably useable and intelligible form.

3. “Person” includes any individual, natural person, corporation, partnership, proprietorship, association, governmental entity, agency, group, organization of group of persons associated in fact although not a legal entity.

4. “Identify” means the following:

(a) When used with respect to individuals, means to state the full name, address, telephone number, place of employment, job title and present whereabouts of such person;

(b) When used with respect to persons other than individuals, as the term “persons” is identified in (3) above, means to state the full name, address and telephone number of such “person” together with the name, address, telephone number and job title of the employee, agent,

servant or representative of such “person” who has knowledge of the particular facts or possession, custody or control of the particular documents of which discovery is sought;

(c) When used with respect to documents tangible objects, or other items of real or demonstrative evidence, means to list the items of which discovery is sought, describe them in specific detail (give an exhibit number for each if one has been assigned) and state the name, address and telephone number of the person who presently has possession, custody or control over each item of real or documentary evidence listed; and

(d) When used with respect to facts, circumstances or information, means to give a concise summary of the nature and substance of the facts, circumstances or information of which discovery is sought.

### **INTERROGATORIES**

1.

Please identify the person or persons responding to this discovery, plus all individuals who have provided assistance in responding to and in answering these interrogatories.

2.

Please identify the full and correct legal names and addresses of the owner(s), the manager(s) and the operator(s) of the subject premises located at 3095 Main Street, Duluth, Georgia 30096 where this incident occurred as of the date alleged in the Complaint. If these are different persons or entities, please specify which one was the owner(s), the manager(s) and the operator(s).

3.

If Defendant contends that Plaintiffs have brought this action against the wrong entity

due to a misnomer or for any other reason, or that there are other persons or entities who may be liable or who would otherwise be a proper Defendant(s) that may need to be added to this case, please state the complete legal names and addresses of the correct or additional possible Defendant(s) and the reasons for such contentions. Please further state whether you will accept service of an amended Summons and Complaint reflecting the information furnished by you in response to these interrogatories.

4.

Please identify all persons (including all employees, contractors, agents and other witnesses) who to you or your representatives' knowledge, information or belief:

- (a) Were eyewitnesses to the incident that gives rise to this lawsuit, or who arrived at the scene of the occurrence complained of in this action shortly after its occurrence, or who may have assisted Plaintiffs after Plaintiff Evanie Cardoza sustained injuries at your premises; and
- (b) Have relevant knowledge concerning the incident that gives rise to this lawsuit or any issue of liability, injuries or damages in connection with this lawsuit.

5.

Please identify all persons who have given written or recorded statements pertaining to the facts and/or circumstances of the incident which is the subject matter of this litigation, and state the name of each person, the name and address of the person or entity taking each statement, the date each statement was taken, and the name and address of each person having possession, custody or control of each written or recorded statement referenced above.

6.

Please identify any photographs, charts, diagrams, videos, and other pictorial

representations pertaining to the events and happenings alleged in Plaintiffs' Complaint, giving the date each was made and the name and address of any and all person(s) with possession, custody or control of each item.

7.

Describe with particularity all documents and other tangible things relevant to the issues in this lawsuit or that support your contentions that have not already been identified and give the name and address of the person(s) having possession, custody or control of each thing.

8.

At the time of the incident described in the Complaint, did Defendant have, or was there in existence, any insurance agreements under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the within action or to indemnify or reimburse for payments made to satisfy the judgment? If so, state:

- (a) The effective dates of coverage;
- (b) The policy number and/or claim number;
- (c) The policy limits; and
- (d) Whether said insurance company is defending under a reservation of rights.

9.

Please identify each person employed by Defendant or by any contractor, or agent acting on behalf of Defendant who was working in any capacity or who had worked at the subject property on the day of the incident which is the subject matter of this litigation and described in the Complaint. This identification includes but is not limited to each person's name, address, job title, times of arrival and departure on the date of this incident.

10.

To your information or belief, has there been any surveillance, photographs or videos of any party including the Plaintiffs that were made on the date of this incident? If so, identify what party was photographed or videoed, and identify all persons who now have or have had custody and/or control of any records, tapes, films, videos or other recordings of such surveillance.

11.

Please indicate whether you reported the subject injury to OSHA, or any other regulatory agency. If so, when, where, to whom, and identify all items generated therefrom.

12.

Has any insurance carrier issued a reservation of rights letter to Defendant pertaining to this incident? If so, please name the insurance carrier, provide the date of the reservation and cite the grounds for the reservation cited therein.

13.

State each and every fact upon which you rely for each affirmative defense in your Answer to Plaintiffs' Complaint.

14.

Please identify all persons known to Defendant who have been injured at the subject property/premises at any time and for any reason during the five year (5) period leading up to and including the date on which Plaintiff Evanie Cardoza was injured.

15.

With regards to any individuals listed in response to Interrogatory number 14, please state the following:

- (a) The exact location on the property where the individual(s) was or were injured

and the cause of the injury;

- (b) Whether any incident report was prepared and the information contained therein;
- (c) The name, addresses, telephone numbers, present place of employment, work telephone numbers, job titles, and present whereabouts of all persons having knowledge regarding said injury or injuries; and
- (d) The name, address and telephone number of the person or persons who now have or have had custody and/or control of any records, tapes, films, statements and/or, reports pertaining to any injury or injuries as reported above.

16.

Do you contend that the injuries complained of by the Plaintiffs in this case were caused by the negligence of any party other than Defendant or Defendant's agents, contractors and/or servants? If so, please identify:

- (a) The party whom you contend was guilty of such negligence;
- (b) Every act of negligence which you claim was committed by such party or his/her/its agents and servants and which you contend proximately caused or contributed to the injuries complained of in this case;
- (c) Each and every fact and reason upon which you base your contentions; and
- (d) Each person who has any knowledge or information concerning each such fact.

17.

Please identify any and all other similar incidents or allegations for which a visitor or employee has complained (either by letter, email, or verbally) of bodily contact with and/or burns from hot liquids and/or other injury at the subject property, occurring during and including the five (5) years leading up to and including the date of this incident.

18.

Please identify any and all other similar incidents or allegations for which you have prepared an incident report pertaining to a visitor or employee or others who have complained of bodily contact with and/or burns from hot liquids and/or other injury at the subject property, occurring during the last five (5) years leading up to and including the date of this incident.

19.

Please identify any and all other similar incidents or allegations for which a customer, visitor, agent, contractor or employee has filed an insurance claim, injury claim or lawsuit against Defendant relating to bodily contact with and/or burns from hot liquids or other injuries at the subject property and/or premises, occurring during the last five (5) years leading up to and including the date of this incident.

20.

Please identify any safety manuals and written policies and procedures effective on the date of the incident alleged in the Complaint, concerning handling hot substances and bodily contact with and/or burns from hot liquids and/or injury prevention at the subject property.

21.

Please state the name and address of all expert witnesses or professional consultants retained or consulted by you or on your behalf to make an evaluation or investigation of the cause of the occurrence giving rise to this lawsuit.

22.

Please identify each expert expected to testify at trial on behalf of Defendant and state the subject matter the expert is expected to testify about, the substance of the facts and opinions to which the expert is expected to testify, and give a summary of the grounds for each opinion. See



O.C.G.A. § 9-11-26(b)(4)(A)(I) / Fed. R. Civ. P. 26(b)(4)(A)(I). Please note that this interrogatory applies to all expert witnesses including all practitioners of the healing arts. The trial court has the power to exclude any expert or any expert testimony not fairly disclosed in your answer to this interrogatory.

23.

State the names, last-known addresses, places of employment, job classification, and present whereabouts of all agents, servants, contractors, employees, representatives, private investigators, or others who investigated this incident on behalf of the Defendant.

24.

Please state the identity of each person(s) employed by Defendant most knowledgeable of corporate standards, guidelines, policies, and procedures for reporting injury incidents involving Defendant's patrons and injuries generally and at the location where the incident occurred from the date of the incident to the present.

25.

Please identify by name, address and title any and all of Defendant's employees, contractors, agents and/or assigns who spoke with the Plaintiffs concerning this incident on the date of the incident or at any date and time after the incident.

26.

Please identify by name, address and job title any and all Defendant's employees, contractors, agents or assigned that Plaintiffs reported the incident to and the injuries Plaintiff Evanie Cardoza sustained, including the date and times of such reports made by Plaintiffs.

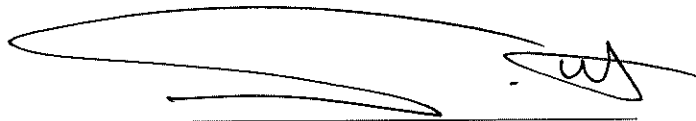
27.

Please state whether, in compiling your answers to these interrogatories, you have made a

reasonable and diligent effort to identify and provide not only such facts as are within your personal knowledge, but such facts as are also reasonably available to you and/or any person acting on your behalf.

This 10<sup>th</sup> day of May, 2023.

**LAMONTE E. SCOTT, P.C.**



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